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Nos. 669, 670 & 671.

Motion papers for Appt.

Filed Dec. 21, 1896.

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In the Supreme Court of the United States.

OCTOBER TERM, 1896.

THE UNITED STATES }  
v. } No. 669.  
HERRON.

THE UNITED STATES }  
v. } No. 670.  
MILCHRIST.

THE UNITED STATES }  
v. } No. 671.  
GARTER.

Office Supreme Court, U. S.  
FILED.

DEC. 21 1896

JAMES H. MCKENNEY,

CLERK

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APPELLANT'S MOTION TO ADVANCE.

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## **APPELLANT'S MOTION TO ADVANCE.**

Now comes the appellant, the United States, and moves the court that the foregoing appeals may be advanced upon the docket for early argument as one case.

The appellant states, as reasons for said motion, that said cases present three phases of allowances to United States district attorneys of special compensation for services, held by the Court of Claims not to be covered by their salaries or fees, and decisions as to whether or not certain of such allowances are to be included in the maximum compensation allowed district attorneys by law.

An authoritative decision of these questions is of pressing importance to the conduct of public business. Considerable numbers of accounts involving these and similar questions are awaiting action by the accounting officers, and the cases here presented were referred to the Court of Claims by the Secretary of the Treasury under section 1063, Revised Statutes, in order to procure a judicial decision which might serve as a guide in the disposition of such various accounts. The various trial courts, including the Court of Claims, have held differently on the questions involved, so that there is now no settled rule of law on the subject.

One of the important questions involved is whether or not it was the legal duty of a district attorney to represent the United States in the circuit court of appeals as a part of his official duty; and if so, whether that duty belonged to the district attorney in whose district the case originated or to the district attorney in whose district the circuit court of appeals sat. Upon this question is dependent the action of the Attorney-General in making allowances of special compensation to numerous district attorneys for such services. It is important that such allowances should be made by the Attorney-General, who has been familiar with the work performed, rather than be left to the judgment of a successor without personal knowledge on that subject.

HOLMES CONRAD,  
*Solicitor-General.*

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